

# STATE OF COLORADO



Roy Romer  
Governor

Patricia A. Nolan, MD, MPH  
Executive Director



**COLORADO DEPARTMENT OF HEALTH**  
Dedicated to protecting and improving the health and environment of the people of Colorado

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GROUP	ACT	INFO
11000 ERW	<i>Nitchinsky</i>	X
11010 PIR		
11100 RPM	<i>Busby</i>	X
11200 ES&E		
11300 SPP		
11400 FOM	<i>Brousseau</i>	X
11500 RLD		
11600 SM		
11700 TOS		

August 10, 1993

Al Pauole  
Assistant Manager for Environmental Management  
U.S. Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, CO 80402-0928

RE: 904 Pad - Request for Change to an Interim Status Waste Pile

Dear Mr. Pauole,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division), has reviewed your request to change a portion of the 904 Pad (Unit 15B) interim status container storage area to an interim status waste pile. After reviewing your explanatory justification for waste pile storage, your request has been denied. The Division has also reviewed the DOE/RFO request for an exemption from certain "Waste Pile Design Requirements" for interim status, 6 CCR 1007-3 Section 265.254, as well as for a possible permitted waste pile, Section 264.251, and at this time is denying your request for any exemptions from the waste pile requirements.

In order to meet interim status requirements this change must be pursuant to 6 CCR 1007-3 Section 100.20(b)(3) which states, "Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility... if the owner or operator submits a revised Part A permit application prior to such a change, along with a justification explaining the need for the change, and the Director approves the change because (ii) it is necessary to comply with State regulations (including the interim status standards in Part 265) or State or Local laws." After reviewing your request for a change to an interim status waste pile for the 904 Pad, the Division does not conclude that a "change in the process for the treatment, storage, or disposal of hazardous waste" has been made.

In regards to your request for an exemption of 6 CCR 1007-3 Section 265.254, "Waste Pile Design Requirements", the Division does not believe that you have successfully demonstrated an alternative design and operating practices for the 904 Pad. According to Section 264.251 "A waste pile must have a liner designed and constructed to prevent any migration out of the pile into adjacent ground water or surface water. A waste pile must also have a leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. An owner will be exempted if the Department finds, based on a demonstration by the owner, that an alternative design and operating practices, together with location characteristics will prevent the migration of any hazardous constituents into the ground water or surface water." Although many attempts have been made to improve the condition of the tri-walls and attempts are being made to seal the tents and install asphalt berms, the Division is not satisfied that the 904 Pad provides adequate protection from the migration of any hazardous constituents into the ground water or surface water. The Division is also not satisfied that the problem with "free liquids" inside the tri-walls themselves has been resolved unless the waste contained in the tri-walls can pass a paint filter test or equivalent means of determining the absence of free liquids.

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CLASSIFICATION OFFICE

**ADMIN RECCRD**  
IA-A-000284

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Prior to making any changes, it is imperative that the Division review and discuss your proposed operating procedures for the 904 Pad in order to meet the requirements of Section 264.251, if DOE chooses to pursue permitting a "Waste Pile", or Section 265.170, as an interim status "Container Storage Area".

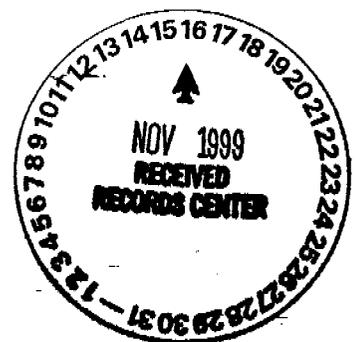
If you have any questions concerning this letter, please contact Chris Gilbreath at (303)692-3371, or Lisa Weers at (303)692-3451.

Sincerely,



Gary W. Baughman, Chief  
Hazardous Waste Facilities Section  
Hazardous Materials and Waste Management Division

cc: D. Maxwell, EPA  
T. Lukow, WPD, RFO  
B. Benedetti, EG&G  
F. Dowsett, CDH  
D. Miller, AGO



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